

### REMARKS

The Office Action mailed July 13, 2005, has been carefully considered. In response thereto, the present application is believed to be consideration for allowance. Accordingly, reconsideration and withdrawal of the outstanding Office Action and issuance of a Notice of Allowance are respectfully requested.

Claims 1-12 have been rejected under 35 U.S.C. § 102(b) over *Bazarjani et al.* For the reasons set forth below, the Applicants respectfully traverse.

The standard for anticipation under 35 U.S.C. § 102 is that the prior art must “meet every element of the claimed invention.” *Hybritech Incorporated v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). In other words, “[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). For the reasons set forth below, the Applicants respectfully submit that the applied reference falls short of that standard and that the present claimed invention is therefore not anticipated.

The Office Action includes a reproduction of Fig. 10 of the applied reference, with certain structures therein identified as an “input modulator” and an “output modulator.” The Applicants respectfully disagree with that characterization, since those structures are not modulators at all, but are instead hold-and-integrate units. Those hold-and-integrate units cannot function as the first and second chopper stabilization modulators called for in the present claims for the following reason. A chopper stabilization modulator, as the term is understood in the art and used in the present application (see, e.g., first full paragraph of page 4 with reference to chopper stabilization modulators 336), connects in alternation to upper and lower leads of an operational amplifier. By contrast, the hold-and-integrate units of the applied reference connect in alternation between the operational amplifier and ground. Thus,

there is a clear difference in both structure and operation between the structures of the applied prior art and those called for in the present claims.

Also, the structure in the prior art which the Office Action identifies as an “output modulator” is in fact the input integrate-and-hold circuit of the second operational amplifier. It cannot be switched to the first operational amplifier.

Moreover, Fig. 10 in the applied reference shows a double-*resonator* SC bandpass  $\Sigma\Delta$  modulator, whereas the present claimed invention is directed to an *integrator*. The two are clearly different in both structure and function. They have different peak frequencies, different behavior in terms of low-pass versus high-pass, and different transfer functions. Therefore, the applied reference does not anticipate the present claimed invention.

Finally, all of the claims include the limitation that each of the feedback loops comprises a capacitor. The Office Action does not identify where the applied reference teaches such capacitors, nor do the Applicants see them in the feedback loops disclosed in the reference.

Therefore, the Applicants respectfully submit that the present claimed invention is not anticipated. For that reason, the Applicants respectfully submit that the application is in condition for allowance. Notice of such allowance is respectfully solicited.

Should the Examiner believe that anything further is desirable in order to place the application into better condition for allowance, the Examiner is invited to contact the Applicant’s attorney at the telephone number listed below.

Please charge any shortage of fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (000687-00335). In the event that a petition for an extension of time is required to render this Amendment timely, and in the event that a separate petition either does not accompany this Amendment or is insufficient to render this Amendment timely, the Applicant hereby petitions under 37 C.F.R. § 1.136(a) for an

extension of time for as many months as are required to render this Amendment timely. Any fee due is authorized above.

Respectfully submitted,

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